

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 329
GREAT LAKES PROTECTION

324.32901 Definitions.

Sec. 32901. As used in this part:

(a) "Board" means the Michigan Great Lakes protection fund technical advisory board created in section 32908.

(b) "Fund" means the Michigan Great Lakes protection fund created in section 32905.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Compiler's note: For the type III transfer of the office of the great lakes within the department of natural resources to the new office of the great lakes within the department of environment, great lakes, and energy, see E.R.O. 2019-1, compiled at MCL 324.99923.

Popular name: Act 451

Popular name: NREPA

324.32902 Legislative findings.

Sec. 32902. The legislature finds that:

(a) The Great Lakes are a valuable resource providing an important source of food, fresh water, recreation, beauty, and enjoyment.

(b) The ecosystems of the Great Lakes, which provide sustenance and recreation to the people of this state and other states and nations, have been severely affected and are continually threatened by the introduction of foreign species into the lakes and by pollution of the Great Lakes waters.

(c) Careful management of the Great Lakes will permit the rehabilitation and protection of the lakes, their waters, and their ecosystems, while continuing and expanding their use for industry, food production, transportation, and recreation.

(d) This state, because it is surrounded by the Great Lakes and because the Great Lakes contribute in innumerable ways to the state's economy, recreation, and way of life, must act as a steward for the protection, enhancement, and wise utilization of the Great Lakes.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

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324.32903 Office of the Great Lakes; establishment; purpose; duties.

Sec. 32903. The office of the Great Lakes is established within the department of natural resources and is designated as the lead agency within state government for the development of policies, programs, and procedures to protect, enhance, and manage the Great Lakes. The office of the Great Lakes shall do all of the following:

(a) Advise the governor, the director, and the directors of other appropriate state departments on appropriate steps needed to coordinate state policy and state actions on the Great Lakes and to implement an ecosystem approach to this state's Great Lakes policies.

(b) Provide representation at the national level for this state's Great Lakes interests.

(c) Represent this state before Great Lakes policy development bodies such as the international joint commission.

(d) Ensure adequate research and staff work to maintain this state's regional leadership in resolving Great Lakes problems.

(e) Promote the wise use of the ports of this state and Great Lakes water transportation.

(f) Promote the Great Lakes tourism industry.

(g) Advocate the interests of this state in actions, policies, and legislation affecting the Great Lakes proposed in other Great Lakes states, Canadian provinces, Great Lakes policy development bodies, and the federal government.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of the Office of the Great Lakes, including but not limited to the authority, powers, duties, functions, and responsibilities, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

For transfer of the office of the Great Lakes from department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of office of Great Lakes from department of natural resources and environment to department of environmental quality,

see E.R.O. No. 2011-1, compiled at MCL 324.99921.

For transfer of office of the Great Lakes from department of environmental quality to department of natural resources, see E.R.O. No. 2017-5, compiled at MCL 324.99922.

For the type III transfer of the office of the Great Lakes within the department of natural resources to the new office of the Great Lakes within the department of environment, Great Lakes, and energy, see E.R.O. 2019-1, compiled at MCL 324.99923.

Popular name: Act 451

Popular name: NREPA

324.32904 Reports, analysis, and inventory to be submitted by governor to legislature.

Sec. 32904. The governor, with the assistance of the office of the Great Lakes, shall prepare and submit to the legislature the following:

(a) An annual report, submitted by December 31 of each year, on the state of the Great Lakes.

(b) A comprehensive analysis, in the governor's annual budget message, of all the funds from state and federal sources that the governor recommends be expended for the protection, enhancement, and management of the Great Lakes.

(c) A comprehensive inventory, submitted by August 2, 1986, of all state, federal, interstate, and international agencies, programs, and projects associated with the protection, enhancement, and management of the Great Lakes.

(d) A report, submitted by February 2, 1987, on the status of the agreement between the United States and Canada known as the Great Lakes water quality agreement of 1978, and recommending steps to be taken to execute the state's obligations in that agreement and to promote the state's role and objectives in the renegotiation of that agreement.

(e) A report, submitted by August 2, 1987, listing the priority research needs with respect to the Great Lakes.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Compiler's note: For transfer of the Office of the Great Lakes, including but not limited to the authority, powers, duties, functions, and responsibilities, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

For the type III transfer of the office of the Great Lakes within the department of natural resources to the new office of the Great Lakes within the department of environment, Great Lakes, and energy, see E.R.O. 2019-1, compiled at MCL 324.99923.

Popular name: Act 451

Popular name: NREPA

324.32905 Michigan Great Lakes protection fund; creation; sources of money; investment of fund; crediting interest and earnings to fund; money not to revert to general fund; annual report.

Sec. 32905. (1) The Michigan Great Lakes protection fund is created in the state treasury.

(2) The fund shall receive money from the following sources:

(a) Money received by the state from the Great Lakes protection fund authorized in part 331.

(b) Gifts and contributions to the fund.

(c) Other sources provided by law.

(3) The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(4) The state treasurer shall annually report to the board and the department on the amount of money in the fund.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.32906 State treasurer to credit money to fund.

Sec. 32906. The state treasurer shall credit all money the state receives from the Great Lakes protection fund as authorized in part 331 to the fund.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.32907 Use of money in fund.

Sec. 32907. Money in the fund shall be used only for programs or grants to supplement existing Great

Lakes research and protection programs consistent with the purposes of part 331 including, but not limited to, the following:

(a) Research on the economic, environmental, and human health effects of contamination in the Great Lakes.

(b) The collection and analysis of data on the Great Lakes.

(c) The development of new or improved environmental cleanup technologies.

(d) Research to assess the effectiveness of pollution control policies.

(e) The assessment of the health of Great Lakes fish, waterfowl, and other organisms.

(f) Other programs consistent with the purposes of part 331.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.32908 Michigan Great Lakes protection fund technical advisory board; creation; appointment, qualifications, and terms of members; removal of member; election of chairperson; meetings; public notice; member not to receive grant.

Sec. 32908. (1) The Michigan Great Lakes protection fund technical advisory board is created within the department. The board shall consist of the following members:

(a) An individual appointed by the department who has knowledge or expertise in Great Lakes water issues.

(b) An individual appointed by the department who has knowledge or expertise in the effects of air pollution on the Great Lakes.

(c) Six individuals appointed by the department as follows:

(i) One individual from an environmental organization.

(ii) One individual from a business or industry related to the Great Lakes.

(iii) One individual who has performed research related to the water quality of the Great Lakes.

(iv) One individual who has performed research related to public health concerns associated with the Great Lakes.

(v) One individual who has knowledge or expertise in the demographics of the Great Lakes region or the climatology of the Great Lakes region.

(vi) One individual who represents the hazardous substance research center.

(2) A member of the board shall serve for a term of 3 years. However, of the first appointments to the board by the department under subsection (1)(c), 3 shall be appointed to serve 2-year terms and 3 shall be appointed to serve 1-year terms.

(3) A member of the board may be removed for inefficiency, neglect of duty, or malfeasance in office by the body that appointed him or her.

(4) The board shall elect a chairperson from among its members. The board shall meet at the call of the chairperson at least annually. A meeting of the board shall be held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by that act.

(5) A member of the board shall not receive a grant under this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.32909 Duties of board generally.

Sec. 32909. The board shall do both of the following:

(a) Advise this state's representatives on the board of directors of the Great Lakes protection fund authorized in part 331.

(b) Consult with the technical advisory committee of the Great Lakes protection fund.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.32910 Programs and grants to be funded; advice to department; compilation and submission of list; statement of guidelines; appropriation.

Sec. 32910. (1) The board shall annually advise the department on the programs or grants that should be

funded under this part and shall submit a list of these programs or grants to the department for its approval. This list shall be compiled in order of priority. Upon approval of the list, the department shall submit the list to the legislature in January of each year.

(2) The department and the board shall include with each list submitted under subsection (1) a statement of the guidelines used in listing and assigning the priority of the proposed programs or grants.

(3) The legislature shall annually appropriate money from the Michigan Great Lakes protection fund and from the Great Lakes spill prevention research fund for programs or grants pursuant to this part.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

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Popular name: NREPA

324.32911 Great Lakes spill prevention research fund; creation; appropriations, gifts, and contributions; investments; disposition of interest and earnings; reversions; use of money; definitions.

Sec. 32911. (1) The Great Lakes spill prevention research fund is created in the state treasury.

(2) The research fund may receive money as appropriated by the legislature, from gifts and contributions to the fund, and as otherwise provided by law. The state treasurer shall direct the investment of the research fund. Interest and earnings of the research fund shall be credited to the research fund. Money in the research fund at the close of the fiscal year shall remain in the research fund and shall not revert to the general fund.

(3) Money in the research fund shall be used only for the following purposes:

(a) Research into the prevention of spills during the transportation of hazardous materials on the Great Lakes and major tributaries of the Great Lakes.

(b) Research on selected pollution incidents to determine causal factors in spills of hazardous materials on the Great Lakes and major tributaries of the Great Lakes.

(c) Research into a total systems approach to address Great Lakes pollution problems that include human factors and socio-technical considerations.

(d) Research into the role of human factors in spills of hazardous materials on the Great Lakes and major tributaries of the Great Lakes, including human factors in pollution alarms, pollution monitoring systems, and instrumentation.

(e) Research into the deployment of existing and new technology related to transportation of hazardous materials on the Great Lakes and major tributaries of the Great Lakes and the appropriate allocation of functions between individuals and machines.

(f) Research to determine the relative contribution of spills of hazardous materials into the Great Lakes and major tributaries of the Great Lakes to the total pollution of the Great Lakes basin.

(g) Research on and modeling of spills to determine their effect on water intakes.

(4) As used in this section:

(a) "Great Lakes" means the Great Lakes and their connecting waterways over which the state has jurisdiction.

(b) "Hazardous material" means a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment.

(c) "Major tributary of the Great Lakes" means a river that flows into the Great Lakes that has a drainage area in excess of 700 square miles or has a drainage area that contains a population of 1,000,000 or more individuals.

(d) "Research fund" means the Great Lakes spill prevention research fund created in subsection (1).

(e) "Spill" means any leaking, pumping, pouring, emptying, emitting, discharging, escaping, leaching, or disposing of a hazardous material in a quantity which is or may become injurious to the public health, safety, or welfare or to the environment.

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